

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

KARRIE ACKLEY,
on behalf of herself and
all others similarly situated,

Plaintiff,

Case No. 22-cv-232

v.

MARATHON CHEESE CORPORATION,

Defendant.

**STIPULATION TO CERTIFY A COLLECTIVE ACTION PURSUANT TO THE FAIR
LABOR STANDARDS ACT AND A CLASS ACTION PURSUANT TO FED. R. CIV. P.
23 AND TO CERTIFY CLASS COUNSEL AND THE NAMED
PLAINITFF AS REPRESENTATIVE FOR THE CLASS AND COLLECTIVE**

The parties, by and through their counsel, submit this Joint Stipulation to Certify a Collective Action pursuant to the Fair Labor Standards Act and a Class Action pursuant to Fed. R. Civ. P. 23 and to Certify Class Counsel and the Named Plaintiff as Representatives for the Class. This Stipulation is only entered into, and the classes only certified, as a condition and for purposes of the settlement reached between the parties.

In connection with their settlement, the parties agreed to, in part, stipulate to certification of an FLSA Collective defined as:

All hourly-paid production employees employed by Defendant between April 26, 2019, and April 26, 2022, as identified in Exhibit A to the Settlement Agreement and who file a Consent to Join Form within 45 calendar days of the postmark date on the Notice Packet.

Additionally, the parties agreed to, in part, stipulate to certification of a WWPCL Class defined as:

All hourly-paid production employees employed by Defendant between April 26, 2020, and April 26, 2022, as identified in Exhibit A to the Settlement Agreement and who do not file a Request to Exclude within 45 calendar days of the postmark date on the Notice Packet.

The parties stipulate that the members of the WWPCL Class and FLSA Collective are similarly situated in that they were jointly subject to the same allegedly unlawful timekeeping and compensation practices of Defendant during the statutory period. Further, Defendant's defenses are not individual to members of the WWPCL Class or FLSA Collective, but rather are applicable across the class and collective. Accordingly, fairness and procedural considerations support proceeding as a class pursuant to Rule 23 and collective pursuant to the FLSA.

The parties stipulate that Plaintiff Karrie Ackley is an appropriate representative for the WWPCL Class and FLSA Collective because she was an hourly-paid production employee of Defendant during the relevant statutory period, and was subject to the same alleged unlawful timekeeping and compensation practices as all other members of the WWPCL Class and FLSA Collective. Plaintiff has vigorously prosecuted the interests of the WWPCL Class and FLSA Collective through qualified counsel, Walcheske & Luzi, LLC, and has adequately represented class and collective members' interests.

The parties further stipulate that Walcheske & Luzi, LLC are qualified, experienced, and generally able to conduct the litigation and, therefore, are appropriate Class Counsel.

If the parties' Settlement Agreement is not finally approved by the Court, or the settlement is terminated or fails to become effective in accordance with the terms thereof, this Stipulation and

the Court's Order as to this Stipulation shall be vacated without further order of the Court and the litigation will accordingly continue.

Dated this 6th day of June, 2023.

WALCHESKE & LUZI, LLC
Counsel for Plaintiff

s/ James A. Walcheske

James A. Walcheske, State Bar No. 1065635
Scott S. Luzi, State Bar No. 1067405
David M. Potteiger, State Bar No. 1067009
WALCHESKE & LUZI, LLC
235 North Executive Drive, Suite 240
Brookfield, Wisconsin 53005
Email: jwalcheske@walcheskeluzi.com
Email: sluzi@walcheskeluzi.com
Email: dpotteiger@walcheskeluzi.com
Telephone: (262) 780-1953
29368296.2

GODFREY & KAHN, S.C.
Counsel for Defendant

s/ Erin M. Cook

Josh Johanningmeier, State Bar No. 1041135
Erin M. Cook, State Bar No. 1074294
Sarah K. Mueller, State Bar No. 1114561
GODFREY & KAHN, S.C.
833 E. Michigan Street, Suite 1800
Milwaukee, Wisconsin 53203
Email: jjohanningmeier@gklaw.com
Email: mcook@gklaw.com
Email: smueller@gklaw.com
Telephone: (414) 273-3500